

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

RICKEY JACKSON,	)	
	)	
Movant,	)	
	)	
v.	)	No. 1:08CV00127 ERW
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on movant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. The motion will be summarily dismissed.

Movant was originally indicted by the Grand Jury for the Eastern District of Missouri, Southeastern Division, on May 21, 1998. A superseding indictment was returned on June 17, 1998, charging that beginning at a time unknown to the Grand Jury but including in and around June of 1996 through the date of the indictment, movant conspired with persons known and unknown to the Grand Jury to knowingly distribute cocaine base in violation of 21 U.S.C. §846. On December 18, 1998, following a five-day trial, a jury found movant guilty. Movant was sentenced to life imprisonment.

Movant timely filed a notice of his appeal, and on November 18, 1999, the Court of Appeals denied movant's appeal. United States v. Jackson, 205 F.3d 1348 (8th Cir. Nov. 18, 1999) (unpublished per curiam).

Movant subsequently filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. See Jackson v. United States, No. 1:01CV108 ERW (E.D. Mo.). This Court denied the motion on April 9, 2001, without issuing a certificate of appealability. The United States Court of Appeals for the Eighth Circuit subsequently denied movant's application for certificate of appealability. Jackson v. United States, No. 01-2226 (8th Cir. 2001).

Movant filed the instant motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 on August 7, 2008, arguing that his conviction should be overturned.

Under 28 U.S.C. § 2255:

A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain--

(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense . . .

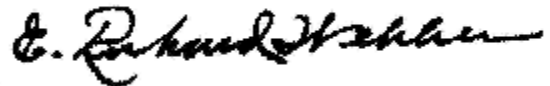
Absent certification from the United States Court of Appeals, this Court lacks authority under § 2255 to grant movant's requested relief. As a result, the motion shall be dismissed.

Accordingly,

**IT IS HEREBY ORDERED** that movant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 is **DISMISSED**.

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 29thDay of August, 2008.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written above a horizontal line.

E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE